

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Norfolk Division**

DEVIN COPELAND p/k/a DE RICO and  
MAREIO OVERTON,

Plaintiffs,

vs.

JUSTIN BIEBER, USHER RAYMOND  
IV p/k/a "USHER," HEATHER  
BRIGHT, Individually and d/b/a B-  
RHAKA PUBLISHING, UNIVERSAL  
MUSIC CORP., SONY/ATV MUSICAL  
PUBLISHING, LLC, WB MUSIC  
CORP., THE ISLAND DEF JAM  
MUSIC GROUP,

Defendants.

CASE NO. 2:13-cv-246  
(AWA-TEM)

**PLAINTIFFS' MEMORANDUM IN SUPPORT OF ITS MOTION TO SEAL**

Plaintiffs Devin Copeland p/k/a DeRico and Mareio Overton ("Plaintiffs"), in accordance with Local Rule 5 and Order of the Court, file this, their Memorandum in Support of their Motion to Seal Exhibit C to Declaration of Patrick L. Maurer.

**BACKGROUND**

Plaintiffs request that Exhibit C be filed under seal because it contains documents or information that Defendants have designated "Confidential Information" pursuant to the Stipulated and Agreed Protective Order ("Protective Order") entered by this Court on September 24, 2015. Exhibit C to Declaration of Patrick L. Maurer contains the deposition transcript for Barry M. Massarsky. Defendants have designated the information and documents used in the

deposition as “Confidential” under the Protective Order and, which allows such a designation when “the Producing Party deems [the document] to contain a trade secret or other confidential research, development, commercial, financial or personal information, the public disclosure of which may cause the Producing Party embarrassment or competitive harm.” Protective Order, §2.1.1.

### **ARGUMENT**

A district court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *Ashcraft v. Conoco, Inc.*, 218 F.3d 288, 302 (4th Cir. 2000) (citing *In re Knight Pub. Co.*, 743 F.2d 231, 235 (4th Cir. 1984)). However, there is a presumption in favor of public access to court records. *Id.* In order to seal documents the court must “(1) provide public notice of the request to seal and allow interested parties a reasonable opportunity to object, (2) consider less drastic alternatives to sealing the documents, and (3) provide specific reasons and factual findings supporting its decision to seal the documents and for rejecting the alternatives.” *Id.*; *see also Va. Dep’t of State Police v. Washington Post*, 386 F.3d 567(4th Cir. 2004); *Rushford v. New Yorker Magazine Inc.*, 846 F.2d 249, 253 (4th Cir. 1988); *Campbell v. Ethex Corp.*, 464 F. Supp. 2d 559, 561 (W.D.Va. 2006).

Plaintiffs are placed in the counterintuitive position of having to submit an argument as to why Defendants’ records should be held under seal and remain confidential. Plaintiffs are not admitting that the documents at issue should be considered confidential or are even relevant or admissible to the underlying matter. Plaintiffs are, however, in the spirit of the Protective Order,

presenting a good-faith argument why the documents in question should be submitted and kept under seal.

WHEREFORE, Plaintiffs hereby respectfully request that this Honorable Court grant the Motion to Seal and seal Exhibit C in the above-referenced matter and grant such other and further relief as the Court deems appropriate.

Dated: August 3, 2016

Respectfully submitted,

/s/ Patrick L. Maurer  
By Counsel

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### CERTIFICATE OF SERVICE

I hereby certify that on August 3, 2016, I will electronically file the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing to the following:

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